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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,073	08/30/2000	Reiner Kraft	ARC9-2000-0111-US1	2123

23334 7590 05/20/2004

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EXAMINER

RONES, CHARLES

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 05/20/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/651,073

Applicant(s)

KRAFT ET AL.

Examiner

Charles L. Rones

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 is/are allowed.
- 6) ☒ Claim(s) 19-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

In view of the Appeal Brief filed on March 5, 2004, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Art Unit: 2175

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 19-20 and 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Snyder et al. U.S. Patent No. 6,038,561 ('Snyder').

Snyder discloses:

As to claims 19, 20, and 23,

a selection module for receiving a user selection request to select documents for comparison; See 3:35-42; and

a comparison module for comparing contents of at least two documents for similarity, where the comparison module returns a numeric similarity value which represents the similarity of the documents; See 3:64-67; 15:50-58; 23:14-15; 24:10-25.

As to claim 22,

Computing the similarity percentage for the selected documents; See 7:15-22; 16:8-56; 25:10-13.

As to claim 24,

Forwarding the value to the GUI/Event Manager; See Figures. 8A-C & 11D.

Art Unit: 2175

As to claim 25,

Generating a display graphic of the similarity value for forwarding to the GUI/Event Manager; See Figures. 8A-C & 11D.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder et al. U.S. Patent No. 6,038,561 ('Snyder'), view of Chu U.S. Patent No. 6,427,146 ('Chu').

As to claim 21, Snyder does not teach user selection request comprises a drag and drop mouse selection.

Chu teaches user selection request comprises a drag and drop mouse selection (see column 6, lines 32-49).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Snyder to include user selection request comprises a drag and drop mouse selection. See 23:50-60.

Art Unit: 2175

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Snyder by the teachings of Chu, because by having a drag and drop feature, it enables easier rule specification and maintenance (see Chu, see column 8, lines 53-55).

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder et al. U.S. Patent No. 6,038,561 ('Snyder'), in view of Horowitz et al. U.S. Patent No. 6,236,987 ('Horowitz').

As to claim 26, Snyder does not teach wherein the display graphic comprises a Venn Diagram.

Horowitz teaches wherein the display graphic comprises a Venn Diagram (see column 11, lines 6-25).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Snyder to include wherein the display graphic comprises a Venn Diagram. See column 11, lines 6-25.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Snyder by the teachings of Horowitz, because having a display graphic comprises a Venn Diagram would provide an illustration of supertopics and subtopics in a relationship to a current document set and a document collection.

Allowable Subject Matter

Claims 1-18 are allowed.

Response to Arguments

Applicant's arguments with respect to claims 19-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles L. Ronces whose telephone number is 703-306-3030. The examiner can normally be reached on Monday-Thursday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Charles L. Ronces


Application/Control Number: 09/651,073

Page 7

Art Unit: 2175

Primary Examiner
Art Unit 2175

May 5, 2004


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